



PATENT  
3667-0102P

2184  
#513  
2/28/04

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Simon QIN Conf.: 6544  
Appl. No.: 09/750,160 Group: 2184  
Filed: December 29, 2000 Examiner: M. Le  
For: BACKUP/RECOVERY SYSTEM AND METHODS  
FOR PROTECTING A COMPUTER SYSTEM

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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 17, 2004

Sir:

Applicant has received a Notice of Non-Compliant Amendment dated January 30, 2004. This Notice indicates that the claims in the Amendment dated January 5, 2004 have improper status identifiers. Applicant is submitting herewith a new amended claim set with the proper identifiers to make this Amendment compliant. This claim set is identical to the one submitted on January 5, 2004, except that the identifier "Amended" as been changed "Currently Amended." In view of this, Applicant submits that the Amendment of January 5, 2004 is now in compliance with Rule 121 and that an action on the merits is now appropriate.

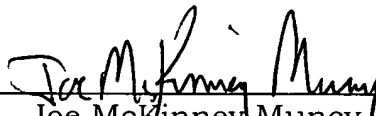
Appln. No. 09/750,160  
Reply to Notice of 01/30/2004

Reply dated February 17, 2004  
Page 2 of 8

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:   
Joe McKinney Muncy  
Reg. No. 32,334

KM/RFG/gf  
(703) 205-8000  
3667-0102P

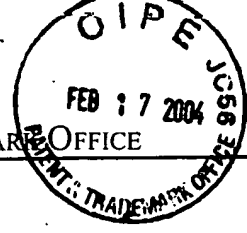
P.O. Box 747  
Falls Church, Virginia 22040-0707

Attachment: Amendments to the Claims (revised)

LF6



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,160	12/29/2000	Simon Qin	3667-0102P	6544

7590 01/30/2004  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747

EXAMINER  
LE, DIEU MINH T

ART UNIT 2114  
PAPER NUMBER

DATE MAILED: 01/30/2004

mm  
response  
2-29-04

Please find below and/or attached an Office communication concerning this application or proceeding.

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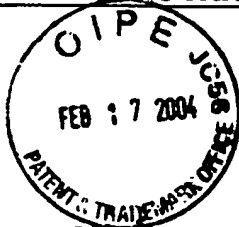
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 2023  
www.uspto.gov



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 01/05/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (See 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)